

EXHIBIT

2

Hearing

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PHILLIPS, L.G., LCD CO., LTD,)
Plaintiffs,) C.A. No. 04-343 (JJF)
v.)
TATUNG CO., TATUNG COMPANY OF)
AMERICA, INC., and VIEWSONIC)
CORPORATION,)
Defendants.)

Hearing of above matter taken pursuant to notice before Renee A. Meyers, Registered Professional Reporter and Notary Public, in the law offices of BLANK ROME, LLP, 1201 North Market Street, Wilmington, Delaware, on Friday, May 4, 2007, beginning at approximately 11:45 a.m., there being present:

BEFORE: HONORABLE VINCENT J. POPPITI, SPECIAL MASTER
APPEARANCES:

THE BAYARD FIRM
STEPHEN BRAUERMAN, ESQ.
222 Delaware Avenue, Suite 900
Wilmington, Delaware 19899
for Plaintiffs

CORBETT & WILCOX
Registered Professional Reporters
230 North Market Street Wilmington, DE 19899
(302) 571-0510
www.corbettreporting.com
Corbett & Wilcox is not affiliated
with Wilcox & Fetzer, Court Reporters

Hearing

10 (Pages 34 to 37)

Page 34	Page 36
<p>1 issues that you had already asked us to supplement on. 2 MS. HO: Your Honor, we do not agree 3 that there was a prior agreement. 4 SPECIAL MASTER POPPITI: I am sorry? 5 MS. HO: We do not agree -- 6 SPECIAL MASTER POPPITI: I understand 7 that. 8 MS. HO: We do not agree that there was 9 a prior agreement, at least in the way that 10 Mr. Christenson is construing. 11 SPECIAL MASTER POPPITI: Okay. Let's 12 move on, then, please, if you would. 13 Are we now at C? 14 MR. CHRISTENSON: Yes, Your Honor. C 15 relates to discovery that we are seeking from 16 ViewSonic -- 17 SPECIAL MASTER POPPITI: Just a minute. 18 I am moving papers around and I cut you off. Go ahead. 19 MR. CHRISTENSON: I had sent a letter to 20 counsel for ViewSonic, following up on some issues from 21 our prior hearings, and I don't believe I have received a 22 response back yet from -- to my letter, so I am not sure 23 what the best way is to proceed on this issue. 24 SPECIAL MASTER POPPITI: Mr. Merideth?</p>	<p>1 and I have gotten the testimony of them, and the 2 testimony is that those documents were prepared 3 specifically by the Howry firm for an interrogatory 4 response and not documents that are maintained in the 5 ordinary course of business. 6 So we have, you know, a disconnect 7 between what Mr. Christenson indicates the documents are 8 and what the facts are relating to these documents and I 9 think we have that problem on a couple of other 10 circumstances he's asked about as well. I am happy to 11 deal with it now, or we can deal with it off-line, Cass, 12 if you want, or however you think it's appropriate. 13 We seem to have this inability to match 14 up the contentions that are made about our failure to 15 produce discovery with the facts. 16 MR. CHRISTENSON: Well, I don't agree 17 with that, obviously. I think you mischaracterized what 18 the documents are and what I stated I thought they would 19 be, so, I haven't heard your position back yet in 20 response to my April 24 letter until now. You know, if 21 -- that's why I was originally just posing the question 22 of whether I should proceed to run through these issues 23 or if we should have further discussion, but -- 24 MR. MILLER: Let me address that. Your</p>
Page 35	Page 37
<p>1 ViewSonic, I am sorry. 2 MR. MILLER: That would be Mr. Miller, 3 Your Honor. 4 SPECIAL MASTER POPPITI: Thank you, 5 Mr. Miller. 6 MR. MILLER: I am happy to just run 7 through a couple of questions real quick that were the 8 subject of the letter. 9 SPECIAL MASTER POPPITI: And is this in 10 the nature of your having a discussion with 11 Mr. Christenson or is it something that I should be 12 attending to today? I am happy to permit -- I am happy 13 for that to occur if it advances the ball. Even if it 14 doesn't advance the ball, at least tell us where the ball 15 is. 16 MR. MILLER: Sure. I think it would be 17 -- some of the issues came up in the hearing, at the last 18 hearing we had before Your Honor on April 13. For 19 example, one of the sets of documents that 20 Mr. Christenson has inquired about are documents that he 21 indicated on the record were ViewSonic documents prepared 22 in the ordinary course of business that reflected only 23 U.S. sales, and he gave me some document control numbers 24 from a prior litigation. I have gotten those documents</p>	<p>1 Honor, because I can read from the transcript of the 2 April 13 hearing on this point. 3 SPECIAL MASTER POPPITI: Why don't you 4 point me to it, please. 5 MR. MILLER: Page 191 of that hearing -- 6 SPECIAL MASTER POPPITI: Wait just a 7 second. I am there, please. 8 MR. MILLER: Starting at line three with 9 Mr. Christenson speaking, and the -- I am happy to read 10 the two paragraphs that exist there between line three 11 extending down to line 24, but rather than burden the 12 entire record here with it, what I would say is looking, 13 in particular, starting at line 18 of that subsection, 14 where it says, "What we are asking to compel are the 15 documents that we believe exist, that have already done 16 that, they are documents that ViewSonic has from the 17 ordinary course of business that isolate shipments 18 specifically within the U.S. and those are documents we 19 obtained in the prior C.P.T. case in Delaware before 20 Judge Farnan that went to trial last year." 21 So I asked Mr. Christenson for the 22 document control numbers on that and he gave them to me, 23 which were documents that the testimony that was given in 24 the case that he referred to, the 05-292 case, were that</p>

Hearing

11 (Pages 38 to 41)

Page 38	Page 40
<p>1 those were documents that were prepared by the Howry & 2 Simon firm specifically from thumbing the information, 3 those that were the subject of Mr. Christenson's 4 discussion on the record at our April 13th hearing, are 5 not documents that are maintained in the ordinary course 6 of business.</p> <p>7 And, so, you know, we are in a situation 8 where the -- it's very frustrating, Your Honor, to be in 9 a situation where we are continually being -- having 10 issues arise like this on the record and then having to 11 respond to them.</p> <p>12 I think that this is just a classic 13 example of a situation where either the facts were not 14 checked before the assertion was made on the 13th, or, 15 you know, whatever. It's just a very difficult 16 situation.</p> <p>17 Other documents that were asked for, 18 documents that they contend that ViewSonic has that 19 identify mounting structures --</p> <p>20 MR. CHRISTENSON: Well, Your Honor, can 21 I respond, please? It's our --</p> <p>22 SPECIAL MASTER POPPITI: I am not sure 23 that it's very productive for me to listen to what you 24 have to say, again, based on the status as described. I</p>	<p>1 why I am asking you to do it off-line. 2 MR. CHRISTENSON: That's fine, Your 3 Honor. I am happy to do that. I thought Mr. Miller 4 wanted to proceed. I am happy to do it off-line. 5 SPECIAL MASTER POPPITI: Please do it 6 that way. 7 We are to D, please. 8 MR. CHRISTENSON: That's Tatung's 9 motion, Your Honor. 10 SPECIAL MASTER POPPITI: And I see there 11 is continuing communication. 12 Is that the status of that? 13 MR. CHRISTENSON: The status is that I 14 did send a letter to counsel, I believe, last week, 15 giving the status update, and I can report that our 16 client has investigated and has -- is in the process of 17 sending to me any documents that might be responsive on 18 these issues, and I would then promptly review those and 19 produce any that are appropriate. 20 SPECIAL MASTER POPPITI: Okay. Miss Ho, 21 I think you were about to say something. 22 MS. HO: I was about to inform Your 23 Honor that we did receive a letter from 24 Mr. Christenson --</p>
Page 39	Page 41
<p>1 don't think it's fair for you to have to create a record 2 without my having been informed beforehand. It's just 3 not productive.</p> <p>4 MR. MILLER: We can do briefing if we 5 need to or address it off-line.</p> <p>6 SPECIAL MASTER POPPITI: I would prefer 7 you address it off-line, and if we need to develop it 8 further, we will wrap it into everything else that is 9 left undone today to be turned around in short order.</p> <p>10 MR. CHRISTENSON: That's fine. And I 11 would just, you know, suggest, with respect to 12 Mr. Miller's accusations about checking facts, I would 13 suggest he check all the relevant testimony and not 14 selected testimony.</p> <p>15 SPECIAL MASTER POPPITI: Well, those 16 comments are for your edification.</p> <p>17 MR. MILLER: I don't have all the 18 testimony. I only have the testimony that I can get from 19 prior counsel. I am happy to have Mr. Christenson give 20 me the testimony if there is other out there that makes 21 it seem different.</p> <p>22 MR. CHRISTENSON: You shouldn't make 23 accusations --</p> <p>24 SPECIAL MASTER POPPITI: Well, that's</p>	<p>1 SPECIAL MASTER POPPITI: Okay. 2 MS. HO: -- providing a status as to the 3 document review and document production, so we are 4 continuing to try to work it out on that front. 5 SPECIAL MASTER POPPITI: Okay. Good. 6 E, please. 7 MR. CHRISTENSON: I think E might be 8 resolved. There were discussions -- I wasn't involved -- 9 but there have been some discussions, I believe, 10 Mr. Merideth can correct me if he disagrees, but I think 11 there are some discussions that are ongoing trying to 12 work out the date for Mr. Linn's deposition, Your Honor. 13 MR. MERIDETH: That's correct. We have, 14 as between counsel, agreed that June 12 would be the most 15 convenient date for the parties and the witness; however, 16 there is one caveat, and, that is, we have not been able 17 to contact Mr. Linn to confirm that to be the case. We 18 don't have any reason to believe that it will be a 19 problem. 20 SPECIAL MASTER POPPITI: Okay. 21 MR. CHRISTENSON: I think we will 22 continue discussing that, Your Honor. I don't think 23 there is any decision that needs to be made by you at 24 this time.</p>